UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,299	02/17/2004	Patrick Calahan	ORACL-01330US1	9743

80548   7590   09/23/2008
Fliesler Meyer LLP
650 California Street
14th Floor
San Francisco, CA 94108

EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/780,299	CALAHAN, PATRICK
		Examiner	Art Unit
		BAOQUOC N. TO	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 June 2008</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32,35-40 and 43-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32, 35-40 and 43-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 33 and 41-42 are canceled and claims 43-45 are newly added in the
amendment filed on 06/30/2008. Claims 1-32, 35-40 and 43-45 are pending in this
application.

Response to Arguments

2.   Applicant's arguments filed 06/30/2008 have been fully considered but they are
not persuasive.

        Applicant argues "Lok, a standard step of XQuery was performed over a whole
DOM object (Paragraph [0087]), Lines 17-20), in stead of only port of the DOM object or
an event of out of a stream of events as embodied in claim 1."

        The examiner respectfully disagrees with the above argument. Based on the
argument, It appears that applicant identify that since Lok, is a standard XQuery
performed over the whole DOM object; therefore, Lok does not discloses a part of the
DOM object or an event out of a stream of events…"

        Examiner respectfully disagrees with the above argument. Lok's teaching was
showing that the document is parsed and a DOM objects are kept in the memory for use
which reduces the request/response time (col. 6, lines 0087). Lok's also discloses
matching object with Xquery with objects in the DOM. Lok's matching would include the
language of performing a match that is associated with an XQuery method on said
event of the stream of events.

Claims 13 and 23 are rejected under the same reason as claim 1. Claims 2-12 and 35-36 are depends on claims 1, 13 and 23; therefore, claims 2-12, 35-36 are rejected under the same reason as to claim 1, 13 and 23.

Applicant also argues "in addition, the newly added claim 43 sates that "returning said event to the stream of event; and pulling said event from the stream of events for he use of a subsequent object..."

Examiner provided the rejection based on the combination of three references including Desai, Lok, and Wang. As Wang disclosure show that the notifying the observer for the matched events, and delivering the objects to the manager which also include the tool for returning the object and pulling any other object for the manager (col. 3, lines 32-36).

Claims 44-45 are depended on claims 43; therefore, claim 44-45 are rejected under the same reason as to claim 43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 1-32, 35-40 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai Arpan (December 3-14, 2001) in view of Lok et al. (US. Pub. No. 2004/0028212 A1) and further in view of Wang et al. (US. Patent No. 7,062,507 B2).

As to claim 1, Desai teaches a system implemented using a computer to process XML document, comprising:

a streaming parser operable to parse an XML document to generate a stream of events, wherein each event in the stream represents a portion of the document (the XML) (page 1, line 12);

a matching component to perform the steps of:

accepting an event from the stream of events from the streaming parser at one time (without buffering portions of the XML document) (page 1, lines 25-26);

keeping in memory only said event of the stream of events at any said

time (without buffering portions of the XML document) (page 1, lines 25-26);

Desai does not explicitly teach performing a match that is associated with an

XQuery method on said event of the stream of events; notifying an observer when the

event is a matched event, wherein when the event is not a matched event the observer

is not notified; said observer operable to listen for the matched event and passing it to a

user object; and said user object operable to handle the matched event. Lock discloses

performing a match that is associated with an XQuery method on said event of the

stream of events (The loaded XML documents are parsed and a DOM objects is kept in

memory. By doing so, the request/response time can be significantly reduced, resulting

in lower response times. On request of configuration data from any CC Portal

component, the DOM tree is searched for the requested configuration data. CM uses

standard-based XML, query mechanisms (XPath, XQuery) to find the data from the

DOM object. The result is sent as a XML message to the UMR for routing purposes)

(col. 6, lines 0087). This suggests the matching using the query mechanism such as

XPath or XQuery and DOM is routed to requester. Therefore, it would have been

obvious to one ordinary skill in the art at the time of the invention was made to modify

Desai's system to include the matching using the query mechanism such as XPath or

XQuery and DOM is routed to requester as disclosed by Lok in order to allow object to

be queried. In addition, Desai does not explicitly disclose notifying an observer when

the event is a matched event, wherein when the event is not a matched event the

observer is not notified; said observer operable to listen for the matched event and

passing it to a user object; and said user object operable to handle the matched event. However, the claim limitations only require one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event. On the other hand, Wang discloses one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event (inserting at least one XML document from a data source into an XML parser; providing a matcher to receive at least one event from the XML parser and to deliver the matched profile Ids to the profile and user manager) (col. 3, lines 32-36). This suggests the object is being passed to the user manager. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the Desai and Lok system to include the object is being passed to the user manager as disclosed by Wang in order to reduce memory consumption.

As to claim 2, Desai teaches the system according to claim 1, wherein: the XML document is represented in a hierarchical structure (DOM) (page 1, line 14).

As to claim 3, Desai teaches the system according to claim 2, wherein: the hierarchical structure is a tree with each node containing a portion of the document (DOM) (page 1, line 14).

AS to claim 4, Desai teaches the system according to claim 3, wherein: the streaming parser generates the stream of events by: traversing the XML tree and adding visited nodes into a data structure (DOM) (page 1, line 14);

processing the nodes in the data structure and generating an event for each node (DOM) (page 1, line 14); and

appending the event to the output stream (DOM) (page 1, line 14).

As to claim 5, Desai teaches the system according to claim 4, wherein: the tree is traversed using a breath-first or depth-first search (DOM) (page 1, line 14).

As to claim 6, Desai teaches the system according to claim 4, wherein: the data structure is a queue (DOM) (page 1, line 14).

As to claim 7, Desai teaches the system according to claim 4, wherein: the data structure is processed using a first-in-first-out approach (DOM) (page 1, line 14).

As to claim 8, Desai teaches the system according to claim 1, wherein: the matching component keeps only a portion of the XML document in memory at any given time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 9, Desai teaches the system according to claim 1, wherein: the matching component knows the schema of the XML document and foreseeing the coming events (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 10, Desai teaches the system according to claim 1, wherein: the match is an expression-based match, which can be an XPath query (XPath query) (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given

node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 11, Desai teaches the system according to claim 3, wherein: the matching component keeps, clones and destroys the entirety or a portion of the sub-tree descending from a node in the tree (DOM) (page 1, line 14).

As to claim 12, Desai teaches the system according to claim 1, wherein: the user object returns the matched event to an XML stream for use by any other component (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 35, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at said t ime (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 36, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at a different time (without buffering portions of the XML document) (page 1, lines 25-26).

Claim 12 is rejected under the same reason as to claim 1.

Claim 13 is rejected under the same reason as to claim 2.

Claim 14 is rejected under the same reason as to claim 3.

Claim 15 is rejected under the same reason as to claim 4.

Claim 16 is rejected under the same reason as to claim 5.

Claim 17 is rejected under the same reason as to claim 7.

Claim 18 is rejected under the same reason as to claim 9.

Claim 19 is rejected under the same reason as to claim 9.

Claim 20 is rejected under the same reason as to claim 10.

Claim 21 is rejected under the same reason as to claim 11.

Claim 22 is rejected under the same reason as to claim 12.

Claim 37 is rejected under the same reason as to claim 35

Claim 38 is rejected under the same reason as to claim 36.

Claim 23 is rejected under the same reason as to claim 1.

Claim 24 is rejected under the same reason as to claim 3.

Claim 25 is rejected under the same reason as to claim 4.

Claim 26 is rejected under the same reason as to claim 5.

Claim 27 is rejected under the same reason as to claim 7.

Claim 28 is rejected under the same reason as to claim 8.

Claim 29 is rejected under the same reason as to claim 9.

Claim 30 is rejected under the same reason as to claim 10.

Claim 31 is rejected under the same reason as to claim 11.

Claim 32 is rejected under the same reason as to claim 12.

Claim 39 is rejected under the same reason as to claim 35.

Claim 40 is rejected under the same reason as to claim 36.

As to claim 43, Desai teaches a system implemented using a computer to process XML document, comprising:

Paring an XML document to generate a stream of events, wherein each event in the stream represents a portion of the document (the XML) (page 1, line 12);

accepting an event from the stream of events and keeping in memory only said event of the stream of events at one time (without buffering portions of the XML document) (page 1, lines 25-26);

Desai does not explicitly teach performing a match on said of the stream of events and notifying an observer when the event is matched event, wherein when the event is not a matched event the observer is not notified; and listening for the matched event and passing it to user object that handles the matched event; and returning said event to the stream of events; and pulling said event from the stream of events for the use of subsequent object. However, Lock discloses performing a match on said of the stream of events and notifying an observer when the event is matched event, wherein

when the event is not a matched event the observer is not notified; and listening for the

matched event and passing it to user object that handles the matched event; and

returning said event to the stream of events; and pulling said event from the stream of

events for the use of subsequent object (XPath, XQuery) to find the data from the DOM

object. The result is sent as a XML message to the UMR for routing purposes) (col. 6,

lines 0087). This suggests the matching using the query mechanism such as XPath or

XQuery and DOM is routed to requester. Therefore, it would have been obvious to one

ordinary skill in the art at the time of the invention was made to modify Desai's system to

include the matching using the query mechanism such as XPath or XQuery and DOM is

routed to requester as disclosed by Lok in order to allow object to be queried. In

addition, Desai does not explicitly disclose returning said event to the stream of events;

and pulling said event from the stream of events for the use of subsequent object. On

the other hand, Wang discloses returning said event to the stream of events; and pulling

said event from the stream of events for the use of subsequent object (inserting at least

one XML document from a data source into an XML parser; providing a matcher to

receive at least one event from the XML parser and to deliver the matched profile Ids to

the profile and user manager) (col. 3, lines 32-36). This suggests the objects are being

passed to the user manager and might possibly be returned back to the system for the

further use. Therefore, it would have been obvious to one ordinary skill in the art at the

time of the invention was made to modify the Desai and Lok system to include the

object is being passed to the user manager and possibly be returned as disclosed by

Wang in order to reduce memory consumption.

As to claim 44, Desai discloses the method according to claim 43, wherein: the subsequent object handles said event where there is another match (without buffering portions of the XML document) (page 1, lines 25-26).

Claim 45 is rejected under the same reason as to claim 8.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-

4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-

mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-

Friday: 8:00 AM – 4:30 PM, EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Breene can be reached at 571-272-4107.

        Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 305-
3900.

        Any response to this action should be mailed to:
                Commissioner of Patents and Trademarks
                Washington, D.C. 20231.

        The fax numbers for the organization where this application or proceeding is
assigned are as follow:
                (571) 273-8300 [Official Communication]

/Baoquoc N To/
Primary Examiner, Art Unit 2162
September 20th, 2008